

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT GREENEVILLE

2013 JUL -9 P 12:21

UNITED STATES OF AMERICA,

Plaintiff,

v.

GARY DEAN STUMP,

Defendant.

Case No. 2:13-CR-74

Judge Jordan

INDICTMENT

The Grand Jury charges:

COUNTS ONE THROUGH EIGHTEEN

Health Care Fraud, 18 U.S.C. § 1347

At all times relevant to this Indictment:

Introduction

1. Gary Dean Stump, D.M.D., has been licensed to practice dentistry by the State of Tennessee since 1998. Dr. Stump practiced as a sole practitioner in Morristown, Tennessee.

2. TennCare is the State of Tennessee's Medicaid health care benefit program for the indigent. Services to TennCare recipients are provided through managed care organizations ("MCOs"), private insurance companies that receive payment from the State of Tennessee from state and Federal funds to provide health care services. While MCOs enter into their own contracts with providers and set their own fee schedules, the MCOs do so under the terms of the contracts with TennCare and other Federal and state laws, regulations, and policies.

3. TennCare is a “health care benefit program” as defined by Title 18, United States Code, Section 24(b).

4. In October 2010, TennCare contracted with Delta Dental to manage TennCare’s dental benefits for TennCare recipients under the age of 21 through a program called TennDent. Under TennDent, children could receive comprehensive dental services as medically necessary from participating dentists. The dentists then submitted claims to Delta Dental for reimbursement for the services provided.

5. Nitrous oxide (N₂O) is a gas used as a general anesthetic, analgesic and anxiolytic in dentistry. Nitrous oxide is administered during dental procedures using a relative anesthesia machine which delivers a mixture of nitrous oxide and oxygen for the patient to inhale.

6. A claim for reimbursement to TennDent may be made for the administration of nitrous oxide as an anesthetic during a dental procedure in addition to any claims for reimbursement for the procedures performed.

7. Claims for reimbursement to TennDent may also be made for the particular service or procedure performed, to include fillings, extractions, crowns, root canals, and dentures.

The Scheme To Defraud

8. Beginning in or about August 2011, and continuing to in or about August 2012, the defendant, Gary Dean Stump, caused claims for reimbursement for nitrous oxide analgesia to be submitted to TennDent for patients who had not received such analgesia.

9. The defendant would falsely enter on treatment records for TennCare recipients notations reflecting that nitrous oxide analgesia had been administered when it had not been administered.

10. The defendant would then have employees at his dental practice submit claims for reimbursement to TennDent based on the treatment records for the TennCare recipients, to include the false notations that nitrous oxide analgesia had been administered.

11. The defendant also submitted false claims for reimbursement for dental services and procedures not provided, to include crowns, root canals, and dentures.

12. As a result of the false claims submitted, the defendant received approximately \$11,000 in reimbursement from TennDent to which he was not entitled.

Execution Of The Scheme

13. On or about the dates listed below, in the Eastern District of Tennessee and elsewhere, the defendant, GARY DEAN STUMP, knowingly and willfully executed and attempted to execute the above-described scheme and artifice to defraud and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of TennCare, a health care benefit program as defined in Title 18, United States Code, Section 24(b), in connection with the delivery of and payment for health care benefits, items, and services, that is, a claim for reimbursement for the administration of nitrous oxide to the TennCare recipients identified below, when in truth and in fact, as the defendant then well knew, no nitrous oxide had been administered and no reimbursement was lawfully due.

<u>Count</u>	<u>Patient</u>	<u>Claimed Date of Service</u>
Count 1	N.B.	October 10, 2011
Count 2	N.B.	November 8, 2011
Count 3	T.H.	August, 2, 2011
Count 4	T.H.	August 10, 2011

Count 5	T.H.	August 17, 2011
Count 6	T.H.	September 21, 2011
Count 7	B.K.	August 18, 2011
Count 8	B.K.	August 31, 2011
Count 9	B.K.	September 21, 2011
Count 10	B.K.	December 15, 2011
Count 11	B.K.	January 25, 2012
Count 12	E.N.	December 12, 2011
Count 13	E.N.	January 9, 2012
Count 14	E.N.	February 2, 2012
Count 15	E.N.	February 7, 2012

14. On or about the dates listed below, in the Eastern District of Tennessee and elsewhere, the defendant, GARY DEAN STUMP, knowingly and willfully executed and attempted to execute the above-described scheme and artifice to defraud and to obtain, by means of materially false and fraudulent pretenses, representations, and promises, money and property owned by and under the custody and control of TennCare, a health care benefit program as defined in Title 18, United States Code, Section 24(b), in connection with the delivery of and payment for health care benefits, items, and services, that is, a claim for reimbursement for the services and procedures purportedly provided to the TennCare recipients identified below, when in truth and in fact, as the defendant then well knew, the service and procedure had not been performed and no reimbursement was lawfully due.

<u>Count</u>	<u>Patient</u>	<u>Claimed Date of Service</u>	<u>Service/Procedure</u>
Count 16	A.G.	July 6, 2011	Prefab crown and root canal
Count 17	A.G.	July 11, 2011	Partial denture – lower
Count 18	A.G.	August 2, 2011	Crown

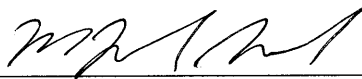
All in violation of Title 18, United States Code, Section 1347.

A TRUE BILL:


FOREPERSON

Approved:

WILLIAM C. KILLIAN
United States Attorney

By: 
M. Neil Smith
Assistant United States Attorney